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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,706	05/22/2000	Burch E. Zehner	1002-171B	6333

8698 7590 09/17/2003

STANDLEY & GILCREST LLP
495 METRO PLACE SOUTH
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DUBLIN, OH 43017

EXAMINER

SZEKELY, PETER A

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/576,706

Applicant(s)

ZEHNER, BURCH E.

Examiner

Peter Szekely

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubelsten et al. 6,605,245, Hunter et al. 6,295, 77, Godavarti et al. 6,265,037 or Hendrickson et al. 6,122,877, in view of Laver 5,516,472, further in view of Prutkin 6,362,252, Motegi et al. 4,783,493 or Beshay 4,717,742.
3. Claims 28-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubelsten et al. 6,605,245, Hunter et al. 6,295,777, Hendrickson et al. 6,122,877 or Golder et al. 4,102,106, in view of Laver 5,516,472, further in view of Cope 5,847,016, Cope 5,951,927, Cope 6,066,680 or Schinzel 4,168,251, even further in view of Waki et al. 4,800,214 or Brandt 6,117,924 and even further in view of Prutkin 6,362,252.
4. Dubelsten et al. disclose siding in column 6, line 67, sawdust in column 7, line 65 and polypropylene and polyvinyl chloride in the paragraph overlapping columns 8 and 9. Hunter et al. teach siding panels in column 3, line 36, polyvinyl chloride and polypropylene with additives in column 5, lines 4-20 and wood flour in column 6, lines 8-25. Godavarti et al. reveal polypropylene polymer and wood fiber in the Abstract, siding in column 1, line 17, proportions in column 4, lines 24-35 and sawdust in column 8, lines 33-37. Hendrickson et al. reveal a siding assembly in the Abstract, wood fiber and PVC in column 3, line 36, other ingredients in column 4, lines 43-54, PVC and polypropylene in column 12, lines 40-61 and sawdust in column 13, line 20. Golder et al. display a

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siding panel in the Abstract, PVC in column 2, line 11 and wood flour in column 2, line 29. All the other cited references have been discussed already in previous actions.

The newly cited primary references prove that siding panels made of PVC and polypropylene, containing wood flour or sawdust are known and have been used before extensively. Since the process of Laver can be used moldings inside and outside the house (column 4, lines 46-52) and Cope ('927) show the use for door, window or frame molding (claim 1), It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to use the processes of the non-primary references in the siding manufacture of the primary references.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Szekely whose telephone number is (703) 308-2460. The examiner can normally be reached on 7:00 a.m.-5:30 p.m. Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Peter Szekely
Primary Examiner
Art Unit 1714

P.S.
9/16/03